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09/883,471	06/18/2001	Edgar N. Rudisill	SS3190USNA	1201

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EXAMINER

GUARIELLO, JOHN J

ART UNIT

PAPER NUMBER

1771

DATE MAILED: 01/29/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	09/883471	Applicant(s)	Rudisill et al.
Examiner	J. W. Guerrillo	Group Art Unit	1291

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

Responsive to communication(s) filed on _____.

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

Claim(s) 1-29 is/are pending in the application.

Of the above claim(s) _____ is/are withdrawn from consideration.

Claim(s) _____ is/are allowed.

Claim(s) 1-29 is/are rejected.

Claim(s) _____ is/are objected to.

Claim(s) _____ are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The proposed drawing correction, filed on _____ is approved disapproved.

The drawing(s) filed on _____ is/are objected to by the Examiner.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been received.

received in Application No. (Series Code/Serial Number) _____.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

Attachment(s)

Information Disclosure Statement(s), PTO-1449, Paper No(s). 4 Interview Summary, PTO-413

Notice of Reference(s) Cited, PTO-892 Notice of Informal Patent Application, PTO-152

Notice of Draftsperson's Patent Drawing Review, PTO-948 Other _____

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DETAILED ACTION

Claim Rejections - 35 USC § 112

15. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

16. Claims 1,12, and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 2, it is not clear what is encompassed by the phrase “distinct zones”, since the specification on page 6, line 36 and page 7, lines 1 and 2 does not clearly define them.

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In claim 12, line 9, it is not clear what is encompassed by the phrase "distinct zones" since the specification as noted above in the reasons for claim 1 is not clear.

In claim 26, lines 26 and 27, it is not clear what is encompassed by "distinct zones" as noted for the same reasons given in claim 1.

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 1-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lickfield et al. 5,484,645 in view of Tabor et al. 5,372,885.

Lickfield describes spunbonded nonwoven fabric and a layer of meltblown fiber, (see abstract). Lickfield describes continuous multiple

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component filaments, (see abstract). Lickfield describes a polyester core and a polyethylene sheath on at least a portion of the peripheral surface, (see abstract). Lickfield describes that fabrics can be sterilized by gamma radiation, (column 1, lines 55-56). Lickfield describes the polyester can be PET, (column 4, line 66). Lickfield describes the meltblown fiber can be LLDPE and can be microfibers and can be microporous, (column 5, lines 33-37, 66-68). Lickfield describes a basis weight in the range of 40-120 g/sq. meter, (column 10, line 14). Lickfield describes the diameter of the microfibers in the range of about 10-50 microns, (column 5, lines 40-43). Lickfield differs because it is silent about a blend of LLDPE and HDPE, > 50% and is silent about polyester in the meltblown layer.

Tabor describes bicomponent fiber of PET core and polyolefin sheath, (see abstract). Tabor describes the sheath can be a blend of HDPE and LLDPE, (Column 5, lines 1-2). Tabor describes the blend can have 0.5-99.5% of grafted PE (which is HDPE), (Column 6, lines 56-58). Tabor

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describes LLDPE which contains a minor amount of C3-C12 alkene, (column 7, lines 1-10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the spunbonded nonwoven fabric material of Lickfield with the blend of bicomponent fibers of the core and sheath component of Tabor motivated with the expectation that there would be an improvement in the barrier properties of the nonwoven fabric material of Lickfield for use as medical garments with less brittleness when exposed to gamma radiation and inexpensive in cost with the blend of Tabor. Given the prior art of record describes the core and sheath with properties and amounts of components of the blend, it would be obvious to one of ordinary skill in the microfiber fabric art to optimize the values polyethylene and polyester for claims 8 and 9 and 24 and 25.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John J. Guarriello whose telephone

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number is (703) 308-3209. The examiner can normally be reached on Monday to Friday from 8 am to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris , can be reached on (703) 308-2414. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-5408.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

JG
John J. Guarriello:gj

Patent Examiner

January 23, 2002

January 25, 2002

Terrel Morris
TERREL MORRIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700